

UNITED STATES DISTRICT COURT
DISTRICT OF PUERTO RICO

CASE NUMBER: 05-1247 (JAF)

CARMEN BRITO PAULA,

Plaintiff,

vs.

KIA MOTORS CORPORATION,

Defendant.

_____/

ORDER ON DEFENDANT'S MOTION TO PRESERVE EVIDENCE

This cause comes before the Court upon the Defendant, KIA MOTORS CORPORATION's Motion to Preserve Evidence to preserve the subject 1997 Kia Sportage (VIN: KNDJB7237V5542334) described in Plaintiff's Amended Complaint and which is the subject of this action. The Court, having been reviewed said Motion, the parties' memoranda, and otherwise been advised on its premises, hereby

ORDERS AND ADJUDGES that the Defendant's Motion to Preserve is **GRANTED**. It is further

ORDERED AND ADJUDGED that:

1.) The Plaintiff shall preserve the subject 1997 Kia Sportage (VIN: KNDJB7237V5542334), including its components and parts, in their present condition during the pendency of this litigation (except as authorized by further order of this Court or upon written stipulation of the parties);

2.) The parties and the custodian of the subject 1997 Kia Sportage (VIN: KNDJB7237V5542334), their attorneys, and their agents, are prohibited from

destroying, altering, modifying, disassembling, repairing, or otherwise changing the condition of the subject 1997 Kia Sportage (VIN: KNDJB7237V5542334), including its components and parts, during the pendency of this action (except as authorized by further order of this Court or upon written stipulation of the parties); and

3.) Plaintiffs shall permit reasonable access to the subject 1997 Kia Sportage (VIN: KNDJB7237V5542334), including its components and parts, for the purpose of photographing, examining, and non-destructive testing of the 1997 Kia Sportage (VIN: KNDJB7237V5542334), including its components and parts, during the pendency of this action upon reasonable request and notice to the Plaintiffs.

DONE AND ORDERED in Chambers in San Juan, Puerto Rico this 12 day of October, 2005.

S/JOSE A. FUSTE
Hon. Jose A. Fuste, Chief Judge

Copies furnished to:
Jorge M. Suro Ballester, Esq.
Hector Cuebas Tañon, Esq.